

Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 2/13/2019 7:41:09 PM
To: MacIntyre, Mark [Macintyre.Mark@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
CC: Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]
Subject: RE: TIME SENSITIVE - NATIONAL OUTLET MEDIA INQUIRY: "Federal Dam Ops VS. State Regulations" -U.S. News & World Report

checking

From: MacIntyre, Mark
Sent: Wednesday, February 13, 2019 2:15 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: TIME SENSITIVE - NATIONAL OUTLET MEDIA INQUIRY: "Federal Dam Ops VS. State Regulations" -U.S. News & World Report

Nancy/Allison: Please advise as to how we should proceed in terms of remaining synchronized w/HQ on this topic.

Thanks!

Mark

From: Leins, Casey <Cleins@usnews.com>
Sent: Wednesday, February 13, 2019 11:06 AM
To: MacIntyre, Mark <Macintyre.Mark@epa.gov>
Subject: U.S. News & World Report story

Hi Mark,

My name is Casey Leins, and I'm a reporter at U.S. News & World Report in Washington, D.C. I'm writing a story exploring how federal dam operators on the Columbia Snake rivers might soon have to follow state regulations.

I spoke with Colleen Keltz at the Department of Ecology, and she told me the EPA recently withdrew its applications for 401 certification for the dams. I would like to speak with you about why the EPA took this actions.

Do you have any time today or Thursday for a brief phone interview? I would really like to get the EPA's voice in the story.

Thank you for your time.

Best,

Casey

Casey Leins
Reporter, Best States
U.S. News & World Report
cleins@usnews.com
443-878-9180

Message

From: Soscia, Mary Lou [Soscia.Marylou@epa.gov]
Sent: 2/8/2019 9:37:50 PM
To: MacIntyre, Mark [Macintyre.Mark@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]; Wu, Jennifer [Wu.Jennifer@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Byrne, Jennifer [Byrne.Jennifer@epa.gov]; Barber, Anthony [Barber.Anthony@epa.gov]; Edmondson, Lucy [Edmondson.Lucy@epa.gov]; Holsman, Marianne [Holsman.Marianne@epa.gov]
CC: Byrne, Jennifer [Byrne.Jennifer@epa.gov]
Subject: RE: CBB, 02/08/2019

And I did work with them to add the reference on the settlement agreement for background.
See below.

Mary Lou Soscia | Columbia River Coordinator | US EPA
805 S.W. Broadway, Suite 500 | Portland, OR 97205
503.326.5873
www.epa.gov/columbiariver

From: Soscia, Mary Lou
Sent: Friday, February 08, 2019 1:25 PM
To: MacIntyre, Mark <Macintyre.Mark@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Byrne, Jennifer <Byrne.Jennifer@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Byrne, Jennifer <Byrne.Jennifer@epa.gov>
Subject: FW: CBB, 02/08/2019

Article has been changed..... 😊😊 See below.

EPA WITHDRAWS DRAFT WATER QUALITY PERMITS SOUGHT FROM WASHINGTON ECOLOGY FOR COLUMBIA/SNAKE DAMS

Posted on Friday, February 08, 2019 (PST)

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Also see:

-- CBB, February 1, 2019, "Washington Ecology's Draft EIS Raises Gas Cap To Allow More Spill For Fish At Columbia/Snake Dams, <http://www.cbbulletin.com/442078.aspx>

-- CBB, January 11, 2019, "Following Presidential Directive, Feds Shorten Columbia/Snake Hydrosystem EIS Schedule By One Year," <http://www.cbbulletin.com/441998.aspx>

-- CBB, December 21, 2018, "Parties Sign Agreement On Flexible Spill For Fish Passage At Columbia/Snake Dams," <http://www.cbbulletin.com/441945.aspx>

-- CBB, October 26, 2018, "Federal Court Orders EPA To Complete Water Temperature Protections For Columbia/Snake Salmonids," <http://www.cbbulletin.com/441724.aspx>

--CBB, April 26, 2016, "Conservation Groups File Notice To Sue EPA Over Columbia/Snake Water Temperatures," <http://www.cbbulletin.com/437375.aspx>

Mary Lou Soscia | Columbia River Coordinator | US EPA
805 S.W. Broadway, Suite 500 | Portland, OR 97205
503.326.5873
www.epa.gov/columbiariver

From: Columbia Basin Bulletin <billcrampton@bendcable.com>
Sent: Friday, February 08, 2019 9:17 AM
To: Soscia, Mary Lou <Soscia.Marylou@epa.gov>
Subject: CBB, 02/08/2019

If the Columbia Basin Bulletin has been forwarded to you, please subscribe by sending an e-mail to billcrampton@bendcable.com with "subscribe cbb" in the subject line. Or go to <http://www.cbbulletin.com/NewsletterSignup/default.aspx>
-- Bill Crampton, Editor, billcrampton@bendcable.com, 541-312-8860

The Columbia Basin Bulletin:
Weekly Fish and Wildlife News
www.cbbulletin.com
February 8, 2019
Issue No. 897

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<http://www.cbbulletin.com/442117.aspx>

* Judge Says No To Expedited Hearing But Lawsuit Over Willamette Basin Dams Moves Forward
<http://www.cbbulletin.com/442116.aspx>

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<http://www.cbbulletin.com/442115.aspx>

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* 2018 Comparative Survival Report Offers Latest Numbers On Smolt-To-Adult Returns For Columbia/Snake River
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* NOAA Report: 2018 Fourth Warmest Year With Nine Of 10 Warmest Years Coming Since 2005
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* Idaho Fish And Game Designs Innovative Way To Survey Wildlife Using Remote Cameras
<http://www.cbbulletin.com/442110.aspx>

* Research On Northwest Forest Plan Shows Bird Species Struggling 25 Years Later
<http://www.cbbulletin.com/442109.aspx>

* Climate Modeling Details Coming Significant Vegetation Type Shifts In Coastal Forests
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* Climate Change Will Shift Color Of Surface Ocean By End Of Century
<http://www.cbbulletin.com/442107.aspx>

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--CBB, April 26, 2016, "Conservation Groups File Notice To Sue EPA Over Columbia/Snake Water Temperature"
<http://www.cbbulletin.com/437375.aspx>

* Juvenile Sturgeon Below Bonneville Dam Still Show Reduced Abundance, Legal-Size Fish Numbers Down

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-- CBB, October 27, 2017, "Sturgeon Fishing Day Added, Mainstem Night Fishing Ban Lifted, Wild Steelhead Fishing Season Begins," <http://www.cbbulletin.com/439783.aspx>

-- CBB, October 13, 2017, "States Set Two Days For Sturgeon Retention Fishing Downstream Of Bonneville Dam," <http://www.cbbulletin.com/439717.aspx>

--CBB, June 16, 2017, "With More Fish Caught Than Expected, States Close Lower Columbia Sturgeon Fishing Season," <http://www.cbbulletin.com/439103.aspx>

--CBB, February 10, 2017, "Harvest Managers Extend Tribal Sturgeon Gillnetting For One Week," <http://www.cbbulletin.com/438114.aspx>

-- CBB, Feb. 26, 2016, "Lower Columbia River White Sturgeon Overall Numbers Continue To Grow, 'Ongoing'," <http://www.cbbulletin.com/436114.aspx>

* Judge Says No To Expedited Hearing But Lawsuit Over Willamette Basin Dams Moves Forward

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Also see:

-- CBB, March 16, 2018, "Conservation Groups Sue Federal Agencies Over ESA-Listed Willamette Salmon"
<http://www.cbbulletin.com/440366.aspx>

-- CBB, November 3, 2017, "Conservation Groups Announce Intent To Sue Corps Over Willamette Chinook"
<http://www.cbbulletin.com/439813.aspx>

* Idaho Meetings Set For Anglers To Discuss Upcoming Chinook Fishing Season

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Also see:

--CBB, December 2, 2016, "Nez Perce Tribe Seeking Next Step For Steelhead Kelt Facility To Capture, R
<http://www.cbbulletin.com/438041.aspx>

--CBB, July 22, 2016, "Repeat Spawners: Study Looks At How Improving Steelhead 'Kelt' Survival Could
<http://www.cbbulletin.com/437180.aspx>

—CBB, November 7, 2014, “Will Getting Some Steelhead To Spawn Twice Improve Numbers? Yakama N
Answers,” <http://www.cbbulletin.com/432586.aspx>

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For more information about the CBB contact:

-- Bill Crampton, Editor/Writer, billcrampton@bendcable.com, phone: 541-312-8860

- Mike O'Bryant, Writer, obryants@comcast.net, phone: 503-307-7487
- Jim Mann, Writer, jmann@cbbulletin.com, phone: 406-270-5663

The stories in this e-mail newsletter are posted on the Columbia Basin Bulletin website at www.cbbulletin.com.

Feedback comments should be sent by e-mail to the Editor at bcrampton@cbbulletin.com. Please put "feedback" in the subject line to encourage comments about particular stories, complaints about inaccuracies or omissions; additional information on a topic covered; or opinions that counterbalance statements reported. The Columbia Basin Bulletin e-mail newsletter is published by Intermountain Communications of Bend, Oregon and supported with Bonneville Power Administration fish and wildlife research grants from the Northwest Power and Conservation Council's Columbia Basin Fish and Wildlife Program.

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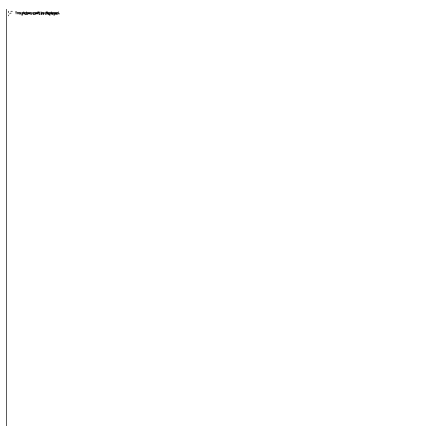
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[Unsubscribe soscia.marylou@epamail.epa.gov](mailto:soscia.marylou@epamail.epa.gov)

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Message

From: Chung, Angela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B3E49FCBA1AD46F1BDBE92EBB4936350-CHUNG, ANGELA]
Sent: 1/29/2019 11:41:42 PM
To: Gildersleeve, Melissa (ECY) [MGIL461@ECY.WA.GOV]
Subject: RE: 401 certification for hydropower facilities

No problem, we understand. I checked with Dan and a response to Maia is imminent.

Angela Chung
Associate Director, Office of Water and Watersheds
U.S. Environmental Protection Agency
1200 Sixth Ave, Suite 155, OWW 191
Seattle, WA 98101
Phone: 206-553-6511

From: Gildersleeve, Melissa (ECY) <MGIL461@ECY.WA.GOV>
Sent: Tuesday, January 29, 2019 3:05 PM
To: Chung, Angela <Chung.Angela@epa.gov>
Subject: 401 certification for hydropower facilities

Angela - Below is an email our Director sent Chris Hladick last Friday because we were running out of time and need to do a public review on our 401 certs. We are hoping for a written response—especially now that you are in the office. Is it possible to get an email back from the correct person at EPA. We have our hands full with a number of things and I know Heather was going to reach out to Dan also—so I apologize for “double-teaming” if that is happening. /--Thanks Melissa

From: Bartlett, Heather (ECY) <heba461@ECY.WA.GOV>

From: <maib461@ECY.WA.GOV>
Date: January 25, 2019 at 1:32:46 PM PST
To: <hladick.christopher@epa.gov>
Subject: Extension Request

Chris,

The Department of Ecology appreciates EPA’s cooperation on December 18, 2018, in extending our review period to February 1, 2019 for consideration of 401 certification for the nine draft individual permits for federal hydroelectric generating facilities on the Columbia and Lower Snake Rivers. After further review, we will initiate the required public notice and comment period of our draft 401 certifications the week of January 28, 2019 for the facilities and the associated draft NPDES permits EPA has developed and submitted to us.

This means that we will finalize the 401 certifications for the nine facilities following our formal public review period and therefore require time beyond February 1, 2019, to complete our state process. Ecology is not waiving our right to certify, but will need additional time to ensure the state’s requirements for public review and comment process are met.

Please confirm EPA’s agreement to allow additional time for Ecology to meet state processes and extend our deadline to February 28, 2019.

Thank you,

Maia Bellon, Director
Washington State Department of Ecology

Appointment

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 1/30/2019 12:10:39 AM
To: Wu, Jennifer [Wu.Jennifer@epa.gov]; Weber, Courtney [Weber.Courtney@epa.gov]; Poulosom, Susan [Poulosom.Susan@epa.gov]; Merz, Martin [merz.martin@epa.gov]
Subject: Lower Columbia River FS and Dalles permit
Location: 20th floor, Hells Canyon; conference line Ex. 6 Personal Privacy (PP) pin Ex. 6 Personal Privacy (PP)
Start: 2/4/2019 8:30:00 PM
End: 2/4/2019 9:30:00 PM
Show Time As: Busy

Appointment

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 1/30/2019 12:10:39 AM
To: Weber, Courtney [Weber.Courtney@epa.gov]; Poulsom, Susan [Poulsom.Susan@epa.gov]; Merz, Martin [merz.martin@epa.gov]
Subject: Lower Columbia River FS and Dalles permit
Location: R10Sea-Room-20HellsCanyon/R10-Rooms-Service Center
Start: 2/4/2019 8:30:00 PM
End: 2/4/2019 9:30:00 PM
Show Time As: Tentative

Message

From: Wilson, Brian J CIV USARMY CENWS (US) [Brian.J.Wilson@usace.army.mil]
Sent: 2/11/2019 7:21:55 PM
To: Merz, Martin [merz.martin@epa.gov]; Grip, Marshall A CIV USARMY CENWS (US) [Marshall.A.Grip@usace.army.mil]
CC: Wu, Jennifer [Wu.Jennifer@epa.gov]
Subject: RE: NPDES Discussion with EPA

Thank you for the follow up Martin. We'll relay this information to the PDT and continue working through our process.

-Brian

From: Merz, Martin [mailto:merz.martin@epa.gov]
Sent: Monday, February 11, 2019 10:50
To: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>; Grip, Marshall A CIV USARMY CENWS (US) <Marshall.A.Grip@usace.army.mil>
Cc: Wu, Jennifer <Wu.Jennifer@epa.gov>
Subject: [Non-DoD Source] RE: NPDES Discussion with EPA

Hi Brian and Marshall,

Thanks so much for the productive conversation this morning.

I wanted to follow up on a few points, please share with Harlin as you see fit:

- 1) I mentioned that we would be aiming to turn the permit around in 6 months once we receive a complete permit application. This is true, but I wanted to caveat this answer with a few procedures that EPA goes through before issuing final permits that have the potential to extend our process:
 - 401 water quality certification from states and tribes: we share draft permits with states and tribes adjacent to the receiving water, in this case WA and the Colville Tribe, for their certification that the permits will result in discharges that meet their water quality standards.
 - Tribal consultation – we share draft permits and consult with interested tribes, taking their concerns into account.
 - ESA consultation – we write a Biological Evaluation describing if/how the proposed allowed discharges would impact endangered species, and engage in ESA consultation with the NOAA.
 - We work with our own EPA headquarters on any policy issues that can come up during the permit writing process.

All of these procedures can be unpredictable in terms of timing. I do feel that since many issues are being worked out currently in the context of the Lower Columbia/Lower Snake/Grand Coulee Dam permit writing process, that the Chief Joseph permit writing process will be more smooth, but this is hard to predict. I just wanted to follow up to make clear that the 6 months is a goal that in this case I feel is reasonable, but that it is not set in stone.

- 2) Please see the contact information for Jenny's contacts at BOR below. Jenny is happy to make an introduction if that helps. Will be good to get in touch with them and see how they've approached some of the issues you are beginning to wrestle with.

Bryan Horsburgh
Resource Services Manager
Bureau of Reclamation, Pacific NW Region
1150 N. Curtis Road, Boise ID 83706
bhorsburgh@usbr.gov
office - 208.378.5356
cell - 208.240.0038

Jeff DeWinkler
Environmental Protection Specialist
US Bureau Of Reclamation GCPO
PO Box 620 Code 5400
Grand Coulee, WA 99133
(509)633-9321 wk
(509)237-9274 cell

Be in touch with any questions or follow ups!

Martin Merz
Physical Scientist – EPA Region 10
merz.martin@epa.gov
206-553-0205

-----Original Appointment-----

From: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>

Sent: Wednesday, February 6, 2019 6:44 AM

To: Wilson, Brian J CIV USARMY CENWS (US); Grip, Marshall A CIV USARMY CENWS (US); Wu, Jennifer; Merz, Martin

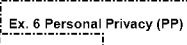


Subject: NPDES Discussion with EPA

When: Monday, February 11, 2019 9:00 AM-10:00 AM (UTC-08:00) Pacific Time (US & Canada).

Where: Teleconference

Meeting to discuss NPDES permit application process and Q&A for Project level data collections.

Call-in:

Phone: 
Access: 
Security: 

Appointment

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 1/30/2019 12:10:39 AM
To: Wu, Jennifer [Wu.Jennifer@epa.gov]; Weber, Courtney [Weber.Courtney@epa.gov]; Poulsom, Susan [Poulsom.Susan@epa.gov]; Merz, Martin [merz.martin@epa.gov]
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Start: 2/4/2019 8:30:00 PM
End: 2/4/2019 9:30:00 PM
Show Time As: Busy

I added the phone line, [Ex. 6 Personal Privacy (PP)] pin [Ex. 6 Personal Privacy (PP)] in case you're working from home today. If you're in Seattle, we're in 20 Hells Canyon.

Message

From: Wu, Jennifer [wu.jennifer@epa.gov]
Sent: 2/7/2019 10:59:17 PM
To: Wu, Jennifer [Wu.Jennifer@epa.gov]; Merz, Martin [merz.martin@epa.gov]
Subject: Conversation with Wu, Jennifer

Wu, Jennifer 1:40 PM:

Ellie **Ex. 6 Personal Privacy (PP)** wants to talk with us, so she's going to call us later.

Merz, Martin 1:41 PM:

ok! Let me know what time she's thinking and hopefully I can join!

Wu, Jennifer 1:41 PM:

will do - no time set yet

Merz, Martin 1:41 PM:

cool!

Merz, Martin 1:41 PM:

thanks for update

Merz, Martin 1:57 PM:

Want to make sure I know which draft permits are most up to date: permit docs under review -> lower columbia river wa... -> draft 401 cert request docs - (all docs here are last modified 9/18.. have you worked on them since then?)

Wu, Jennifer 1:58 PM:

Sorry - I'll put those into permit docs under RW.

Merz, Martin 2:00 PM:

ok! you're going to put more current versions in? If these are the most up to date you can just leave them where they are.

Wu, Jennifer 2:32 PM:

permits are in permit docs under RW under folders for Lower Columbia and Lower Snake under for martin RW

Wu, Jennifer 2:33 PM:

They're pretty similar to the ones I sent out for 401 cert requests

Merz, Martin 2:34 PM:

Sounds good! I won't get going on this until tomorrow most likely, won't make it very far before my meeting at 3 I don't think.

Wu, Jennifer 2:39 PM:

sounds good - I'll work on the BE and the workshopping now.

Merz, Martin 2:55 PM:

they uploaded! All good now

Wu, Jennifer 2:55 PM:

Cool!

Message

From: Wu, Jennifer [wu.jennifer@epa.gov]
Sent: 2/7/2019 10:41:41 PM
To: Wu, Jennifer [Wu.Jennifer@epa.gov]; Merz, Martin [merz.martin@epa.gov]
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Sent: 2/7/2019 10:03:17 PM
To: Wu, Jennifer [Wu.Jennifer@epa.gov]; Merz, Martin [merz.martin@epa.gov]
Subject: Conversation with Wu, Jennifer

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From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 2/19/2019 11:22:50 PM
To: Merz, Martin [merz.martin@epa.gov]
Subject: Feb 25. 415-445

Hi Martin, here's what I have for times for the Corps talk on Monday. I'll probably leave around 330 - 340.

-----Original Message-----

From: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>
Sent: Tuesday, January 29, 2019 6:14 AM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>
Subject: RE: New permit application forms

Thanks Jenny, glad to hear you're back to work. I've established a team of folks here in the District and at Chief Joe dam to work through the sampling data collection and application process. Our work will be very similar to what Portland and Walla Walla did as I am using Ken and Don's example documents. I figured this would help with consistency and I don't have to reinvent the wheel.

On a separate note, are you still available to give a presentation during our upcoming ECC Workshop here in Seattle? I have you listed as a presenter on Monday, Feb 25th from 4:15-4:45, discussing the NDPES process. Please confirm your availability so I can check you off the list :)

-Brian

-----Original Message-----

From: Wu, Jennifer [mailto:Wu.Jennifer@epa.gov]
Sent: Monday, January 28, 2019 13:01
To: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>
Subject: [Non-DoD Source] RE: New permit application forms

Hi Brian, thanks for the heads up. I'm back from the furlough today, so I'm also getting organized here, but I or someone else in my office if they're assigned to the project, will be very happy to work with you on your permit application. Thanks. - Jenny

From: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>
Sent: Thursday, January 17, 2019 1:55 PM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>
Subject: RE: New permit application forms

Jenny,

I've just been tasked with moving forward on the permit process for Chief Joe dam. I'm working with Ken Duncan to initiate this process, but wanted to let you know I'll be reaching out to you soon to hopefully meet and discuss the process in more detail. As I get a few more ducks in a row, I'll ask for your availability should you have the time?

Thanks,

Brian

From: Wu, Jennifer [mailto:Wu.Jennifer@epa.gov]
Sent: Thursday, November 15, 2018 10:29
To: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>
<mailto:Brian.J.Wilson@usace.army.mil>
Subject: [Non-DoD Source] New permit application forms

Hi Brian,

Here's a link to the NPDES applications and forms. At a minimum, Form 1 should be filled out with the appropriate Form 2. I'd advise checking the types of discharges that you expect Chief Joseph Dam to discharge, then filling out any or all the appropriate forms. The Grand Coulee Dam and the other Corps dams completed Forms 1 and 2E, but again, you should check to make sure there are no other discharges you want covered. (The Grand Coulee Dam also filed a separate permit application for their wastewater treatment discharges.) These forms have instructions, but please feel free to contact me if you have questions on filling out the forms. Link: BlockedBlocked<https://www.epa.gov/npdes/npdes-applications-and-forms>

To reduce costs, some of the permit applications for other hydroelectric generating facilities sampled a subset of their outfalls where the wastestream was the same. This is an option, although more data are helpful for me when developing the permit. Still, if cost and time are an issue, then you may want to consider that.

Enjoy the sun next week, and talk to you later.

Jenny Wu

Environmental Engineer, NPDES Permits Unit

EPA Region 10

1200 6th Avenue, Suite 155 (OWW-191)

Seattle, WA 98101

206-553-6328

Message

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 2/11/2019 9:28:54 PM
To: kenneth.d.duncan@usace.army.mil; Redman, Don E CIV USARMY CENWW (USA) [Don.E.Redman@usace.army.mil]
CC: Merz, Martin [merz.martin@epa.gov]
Subject: Response to request for preliminary draft permits for WA federal dams

Hi Ken and Don,

It was good to talk with you both this morning. Below is our official response to the requests for the preliminary draft permits. Again, we didn't release any preliminary drafts to anyone who requested them after Ecology's 1/30 public notice.

Thanks again for your patience in waiting to hear our response on requests for the pre-draft permits for the federal WA dams on the Lower Columbia River dams, Lower Snake River dams, and Grand Coulee Dam. Our EPA press office released the following statement on the permits late last week:

"EPA has determined that the preliminary draft permits for which we had requested water quality certification need additional internal review. Therefore, we have withdrawn our requests for water quality certification at this time. We fully intend to reinstate our requests for water quality certification after we have completed our internal review and updated the preliminary draft permits, as appropriate."

Note that when we issue a public draft of the permits, there will be an opportunity to comment, and I'll let you know ahead of time when we issue a public draft. If you have questions, feel free to let me know.

Sincerely,
Jenny Wu
Environmental Engineer, NPDES Permits Unit
EPA Region 10
1200 6th Avenue, Suite 155 (OWW-191)
Seattle, WA 98101
206-553-6328

Message

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 2/11/2019 4:31:12 PM
To: Merz, Martin [merz.martin@epa.gov]; Weber, Courtney [Weber.Courtney@epa.gov]; Poulosom, Susan [Poulosom.Susan@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Mann, Laurie [mann.laurie@epa.gov]
Subject: FW: NRDC: Washington State v. Trump in Fight to Save Salmon, Orcas

Happy Monday - Another press release on the permits and 401 action as well as a tie-in to TMDL studies showing that dams add to temperature problems.

From: Skadowski, Suzanne
Sent: Monday, February 11, 2019 8:00 AM
To: MacIntyre, Mark <Macintyre.Mark@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Byrne, Jennifer <Byrne.Jennifer@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: NRDC: Washington State v. Trump in Fight to Save Salmon, Orcas

Natural Resources Defense Council: Washington State v. Trump in Fight to Save Salmon, Orcas

Trump's disregard for clean water and wild species has reached Washington State. That's not good news for the state's endangered salmon or starving orcas. But Washington State seems ready to stand up to Trump. We can't let dirty politics make dirty rivers.

On Wednesday, Washington State announced its right under the Clean Water Act to require the federal government—which owns and operates nine dams on the Columbia and Snake rivers—to reduce oil pollution and prevent hot temperatures in the rivers. Less than 48 hours later, the Trump administration yanked the underlying draft water pollution permits in what appears to be an attempt to thwart the state's right to protect its rivers.

The strange thing is, the Trump administration had originally invited the state to weigh in. Trump's agency sent Washington State the draft water pollution permits for the nine dams—and that triggered the state's need to respond. But the invitation to act, apparently, was subject to federal approval of the response. The requirement to apply for National Pollution Discharge Elimination System (NPDES) permits for the dams was the result of lawsuits brought by Columbia Riverkeeper.

When Washington State signaled that it wasn't going to let the federal dam operators continue to dump oil in its rivers and kill salmon in hot water, the federal government pulled the permits.

Without a draft permit to respond to, the state's right to protect its rivers is in limbo. That's bad news for the Columbia and Snake rivers' endangered salmon and the hungry orcas that depend on Columbia and Snake river salmon for their survival. But the Trump administration may have sorely underestimated Washington State's commitment to two of its most beloved species. "Washington state has no intention of abandoning our rivers and our salmon. We have no plans to halt our current public comment period," director of Washington State's Department of Ecology Maia Bellon told the Seattle Times.

Bellon reportedly is "concerned that this may signal the federal government backing away from a commitment to protect the water quality of the Columbia and Snake rivers." We cannot back away now—the Pacific Northwest's salmon and orcas are in crisis. The Columbia and Snake rivers once formed one of the greatest salmon producing river systems on the planet. Today, the Columbia Basin is the most dammed river system in the world, and salmon return at a small fraction of their historic levels.

As the Pacific Northwest lives hotter and hotter summers, the dams exacerbate the impact because they turn cool, fast-moving rivers into slow, heat-absorbing lakes. When the rivers are too hot, salmon die. In 2015, the Columbia River got so hot that more than a quarter million sockeye salmon died before they were able to spawn. Those hot temperatures are in direct violation of Washington State's water quality standards—standards the state would be able to enforce, if the federal government issues the water pollution permits.

The Southern Resident orcas favorite coastal place to fish is off the mouth of the Columbia River. But the whales are on the brink of extinction because they cannot find enough salmon to eat. Orca scientists point to the steep losses of the once large returns of Columbia and Snake river salmon as particularly harmful to the survival and reproduction of the orcas.

Washington State Gov. Inslee's website says that it is "difficult to imagine a Washington without orcas or salmon," and the state has shown its readiness to dig in deep with a proposed budget that includes 1.1 billion dollars to save the two species. The state's right under the Clean Water Act to limit river temperature is critical to recovery. Washington must continue to fight to ensure the Columbia Basin's federal dam operators address rising water temperatures, protect salmon, and help save the Southern Resident orcas from extinction.

You can learn more about this issue here and submit comments in support of Washington State's right to protect salmon and orcas. Just click on "Draft Permits for WA State 401 Water Quality Certification for Federal Hydropower Dams" and fill in the online form. Watchdogging the current administration can feel overwhelming—so much of what we care about is under attack. I plan to support Washington State and speak up for salmon and orcas. It is one thing we can do.

Suzanne Skadowski

Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: 206-900-3309
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Like us on Facebook! [@eparegion10](#)

From: Skadowski, Suzanne

Sent: Friday, February 8, 2019 1:54 PM

To: MacIntyre, Mark <Macintyre.Mark@epa.gov>; Dunbar, Bill <dunbar.bill@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Byrne, Jennifer <Byrne.Jennifer@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>

Subject: E&E Greenwire: EPA halts Wash. efforts to regulate dam water

E&E Greenwire: EPA halts Wash. efforts to regulate dam water

February 8, 2019

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Suzanne Skadowski

Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
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Like us on Facebook! [@eparegion10](#)

From: MacIntyre, Mark

Sent: Friday, February 8, 2019 1:11 PM

To: R10 Press Team <R10_Press_Team@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Byrne, Jennifer <Byrne.Jennifer@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>

Subject: FYI 401 Cert. COVERAGE

From: Google Alerts <googlealerts-noreply@google.com>

Sent: Friday, February 8, 2019 1:00 PM

To: MacIntyre, Mark <Macintyre.Mark@epa.gov>

Subject: Google Alert - Mark MacIntyre EPA



Mark MacIntyre EPA

Daily update - February 8, 2019

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OPS News

But the U.S. **Environmental Protection Agency** is putting a stop to those ... In an emailed statement, **EPA** spokesman

Mark MacIntyre said the federal ...

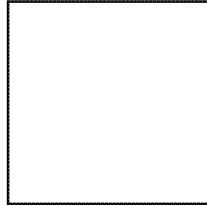


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Message

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 2/8/2019 9:56:51 PM
To: Merz, Martin [merz.martin@epa.gov]; Weber, Courtney [Weber.Courtney@epa.gov]; Palmer, John [Palmer.John@epa.gov]
Subject: Fw: E&E Greenwire: EPA halts Wash. efforts to regulate dam water

From: Skadowski, Suzanne
Sent: Friday, February 8, 2019 1:53 PM
To: MacIntyre, Mark; Dunbar, Bill; Holsman, Marianne; Opalski, Dan; Chung, Angela; Lidgard, Michael; Wu, Jennifer; Steiner-Riley, Cara; Byrne, Jennifer; Soscia, Mary Lou; Barber, Anthony; Edmondson, Lucy
Subject: E&E Greenwire: EPA halts Wash. efforts to regulate dam water

E&E Greenwire: EPA halts Wash. efforts to regulate dam water

February 8, 2019

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Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency

From: MacIntyre, Mark

Sent: Friday, February 8, 2019 1:11 PM

To: R10 Press Team <R10_Press_Team@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Byrne, Jennifer <Byrne.Jennifer@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>

Subject: FYI 401 Cert. COVERAGE

From: Google Alerts <[googlealerts-noreply@google.com](#)>

Sent: Friday, February 8, 2019 1:00 PM

To: MacIntyre, Mark <[Macintyre.Mark@epa.gov](#)>

Subject: Google Alert - Mark MacIntyre EPA



Mark MacIntyre EPA

Daily update - February 8, 2019

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OPB News

But the U.S. **Environmental Protection Agency** is putting a stop to those ... In an emailed statement, **EPA** spokesman **Mark MacIntyre** said the federal ...

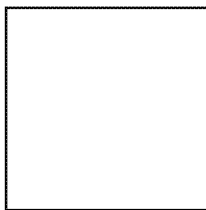


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Message

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 2/8/2019 9:54:13 PM
To: Merz, Martin [merz.martin@epa.gov]; Weber, Courtney [Weber.Courtney@epa.gov]; Palmer, John [Palmer.John@epa.gov]; Poulsom, Susan [Poulsom.Susan@epa.gov]; Mann, Laurie [mann.laurie@epa.gov]
Subject: Fw: FYI 401 Cert. COVERAGE

FYI on the Columbia River permits. Mary Lou Soscia is so on this!

From: MacIntyre, Mark
Sent: Friday, February 8, 2019 1:14 PM
To: Opalski, Dan; Chung, Angela; Lidgard, Michael; Wu, Jennifer; Steiner-Riley, Cara; Byrne, Jennifer; Soscia, Mary Lou; Barber, Anthony; Edmondson, Lucy; Holsman, Marianne
Subject: RE: FYI 401 Cert. COVERAGE

Columbia Riverkeeper's Press Release:

FOR IMMEDIATE RELEASE

Media Contacts:

Brett VandenHeuvel, Columbia Riverkeeper, 503.348.2436

Kari Birdseye, NRDC, 415.875.8243

Liz Hamilton, Northwest Sportfishing Fishing Industry Association, 503.631.8859

TRUMP ADMINISTRATION MOVES TO UNDERCUT STATES' RIGHTS TO PROTECT CLEAN WATER

Endangered species at risk by revocation of water permits

Olympia, WA (February, 8, 2019)—*The Trump administration and Washington State squared off this week over the U.S. Environmental Protection Agency's (EPA) decision to rollback efforts to tackle pollution from federal dams on the Columbia and Snake rivers. In response, a coalition including American Rivers, Columbia Riverkeeper, the Natural Resources Defense Council, the Northwest Sportfishing Industry Association, Pacific Rivers, and Save Our Wild Salmon issued the following statement.*

"This is Washington D.C. reaching across the map to restrict Washington State's ability to protect its most endangered species," said Giulia Good Stefani, senior attorney with the Natural Resources Defense Council. "We cannot let the Trump administration run over the State of Washington's right to protect its endangered orcas and salmon. We have an urgent temperature crisis on the Columbia and Snake Rivers."

"The Trump Administration's dirty politics have no place in the Pacific Northwest. We applaud Washington State and Governor Inslee for standing strong to protect salmon, and the orcas that depend on salmon, from lethally hot water and oil pollution caused by the federal dams," said Brett VandenHeuvel, Executive Director for Columbia Riverkeeper.

"We have a temperature crisis on the Columbia and Snake rivers, and the need to address the problem is urgent, for salmon, orca and salmon-dependent communities," said Liz Hamilton, Executive Director for the Northwest Sportfishing Industry Association. "Without reducing temperatures in the Columbia there will be less salmon and more starving orca in our future. Our industry has not recovered from the salmon die-offs in 2015, and we cannot survive more in the future."

"We are disappointed by the recent decision from EPA Region 10 to undermine a State-led public process to protect water quality by withdrawing its draft permits regarding the Clean Water Act certification for the Columbia and Snake River dams," said Wendy McDermott, American Rivers' Director of the Puget Sound and Columbia River Basin. "The Washington Department of Ecology has already initiated its public comment period and the EPA should respect this process under the Clean Water Act and allow the public to have a say in the future of the fish, wildlife, and people that rely on the Columbia River."

"River temperatures in the Columbia and Snake rivers are not going to improve without structural and operational changes at mainstem dams," said Greg Haller, Executive Director of Pacific Rivers. "There are options available that will help salmon and steelhead in a warming climate. Federal dams, like privately-owned dams, need to comply with the Clean Water Act and state water quality standards."

###

Background

Last week Washington State announced plans to initiate state regulation that would require the federal government to address oil pollution and salmon-killing hot water in the Columbia and Snake rivers. Fewer than 48 hours after Washington State opened a public input process, the Trump administration pulled the rug out from under the State. The administration withdrew its original request for Clean Water Act certification from the State.

Late in 2018, the Trump administration sent Washington State draft pollution permits for nine federally owned and operated dams located in Washington State. The water pollution permits triggered Washington State's right to enforce the state's water quality standards, including for oil pollution and temperature.

As reported in the Seattle Times, on January 30, 2019, Washington State initiated a public comment process on draft water pollution permits for nine federal dams located on the Columbia and Snake Rivers.

On February 1, 2019, EPA wrote to the State to announce its withdrawal of the draft water pollution permits that were under review. The request also included the unusual ask that all documents related to the draft permits be returned to the federal government.

In an emailed statement to the Seattle Times, Governor Inslee's Office stated: "[T]he governor is fully committed to partnering with Ecology to ensure both federal and state clean water standards are upheld and enforced The Trump Administration must do its part to protect our state's salmon and waters."

The nine federal dams create large reservoirs of slow-moving water that frequently get too hot for salmon to survive. According to the Fish Passage Center, an independent federal agency, the "long-recognized and largely unaddressed problem of high water temperatures" in the Columbia and Snake Rivers is "an ever-increasing threat to the survival of salmon." When river temperatures exceed 68F for several days at a time—as happens with increasing frequency—salmon have difficulty migrating upstream and begin succumbing to stress and disease. The dangerous impact of the dams is only exacerbated by climate change.

Columbia and Snake River salmon are critical for local economies, communities, recreational and commercial fishermen, and a large number of species whose life cycles depend on salmon. The highly endangered Southern Resident orcas depend on Columbia Basin spring Chinook as a major source of food. These fish sustain them through the winter months and feed nursing orca mothers and their calves during a particularly critical time in their life-cycle.

In 2014, Columbia Riverkeeper settled a lawsuit against the U.S. Army Corps of Engineers to stop oil pollution from eight dams on the Columbia and Snake Rivers, including Bonneville, John Day, The Dalles, and McNary, Ice Harbor, Lower Monumental, Little Goose, and Lower Granite. In 2016 Riverkeeper settled a similar lawsuit against the U.S. Bureau of Reclamation for unauthorized oil pollution at Grand Coulee Dam. The settlements required the Army Corps and Bureau to apply for water pollution permits from the EPA. The permits would require the Corps to monitor and reduce oil and other water pollution from the dams. To date, the federal government has not taken action to address temperature and reduce oil pollution at the dams.

The Trump administration planned to issue pollution permits this year, but it halted the permitting process on February 1 following Washington State's announcement that it would exercise its authority to require the federal government to address temperature and oil pollution at the dams.

Liz Terhaar | Communications Director | [Columbia Riverkeeper](#) | 407 Portway Avenue, Suite 301, Hood River, OR 97031 | 503.784.5324 direct; 541.387.3030 office

From: MacIntyre, Mark

Sent: Friday, February 8, 2019 1:11 PM

To: R10 Press Team <R10_Press_Team@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Byrne, Jennifer <Byrne.Jennifer@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>

Subject: FYI 401 Cert. COVERAGE

From: Google Alerts <googlealerts-noreply@google.com>

Sent: Friday, February 8, 2019 1:00 PM

To: MacIntyre, Mark <MacIntyre.Mark@epa.gov>

Subject: Google Alert - Mark MacIntyre EPA



Mark MacIntyre EPA

Daily update - February 8, 2019

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But the U.S. **Environmental Protection Agency** is putting a stop to those ... In an emailed statement, **EPA** spokesman **Mark MacIntyre** said the federal ...

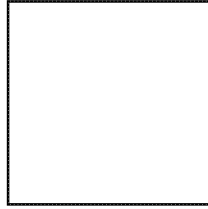


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Message

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 2/21/2019 11:24:49 PM
To: Wilson, Brian J CIV USARMY CENWS (US) [Brian.J.Wilson@usace.army.mil]
CC: Merz, Martin [merz.martin@epa.gov]
Subject: RE: Slides for 2/25 meeting
Attachments: 022519_Intro_to_NPDES.pptx

And here are the slides!

-----Original Message-----

From: Wu, Jennifer
Sent: Thursday, February 21, 2019 3:24 PM
To: 'Wilson, Brian J CIV USARMY CENWS (US)' <Brian.J.Wilson@usace.army.mil>
Cc: Merz, Martin <merz.martin@epa.gov>
Subject: RE: Slides for 2/25 meeting

Great - thanks!

-----Original Message-----

From: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>
Sent: Thursday, February 21, 2019 3:21 PM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>
Cc: Merz, Martin <merz.martin@epa.gov>
Subject: RE: Slides for 2/25 meeting

Yes, your slot is 4:15-4:45 on Monday the 25th. Thanks for sending me the slides. Our meeting is being held in the main floor conference room just past the security desk. Give me a call at (541) 505-4588 if you have any trouble getting in...

-Brian

-----Original Message-----

From: Wu, Jennifer [mailto:Wu.Jennifer@epa.gov]
Sent: Thursday, February 21, 2019 15:14
To: Wilson, Brian J CIV USARMY CENWS (US) <Brian.J.Wilson@usace.army.mil>
Cc: Merz, Martin <merz.martin@epa.gov>
Subject: [Non-DoD Source] slides for 2/25 meeting

Hi Brian, here are the slides for the ECC meeting on 2/25. Again, just confirming that my slot is 415-445 on Monday, 2/25 and that Martin and I have security clearance for parking in the main lot. We plan to be there around 345-400.

Jenny Wu

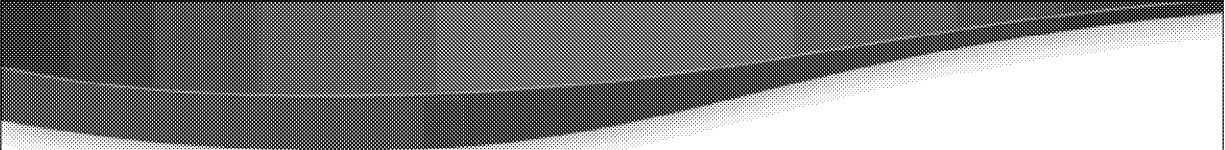
Environmental Engineer, NPDES Permits Unit

EPA Region 10

1200 6th Avenue, Suite 155 (OWW-191)

Seattle, WA 98101

206-553-6328



Introduction to National Pollutant Discharge Elimination System (NPDES) Permits

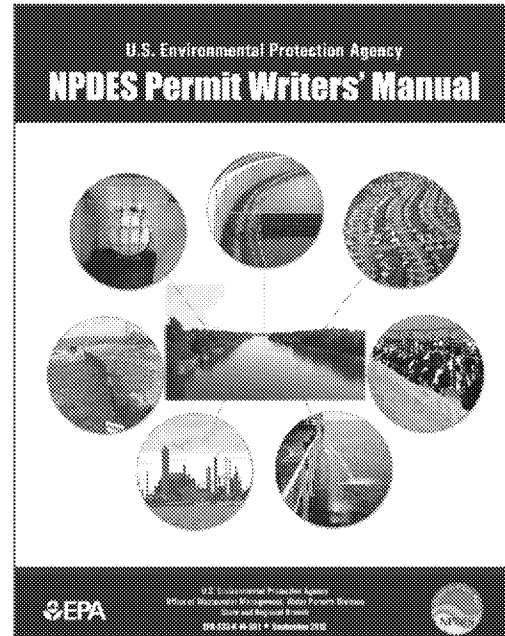
Jenny Wu

EPA Region 10, NPDES Permits Unit

February 25, 2019



- Clean Water Act (CWA)
- National Pollutant Discharge Elimination System (NPDES)
- NPDES Application Process
- Overview of NPDES Permit Content including,
- Effluent Limitations and Monitoring Requirements
- Special and Standard Permit Conditions
- NPDES Permit Administration





Section 402 of the CWA

Either EPA or a state/tribal government with the delegation authority to administer the NPDES Program under the CWA:

- Develops permits with technology or water-quality based limits (the more stringent of either)
- Issues permits to dischargers
- Tracks permit compliance
- Conducts compliance inspections
- Takes enforcement actions

State/Tribal role during CWA § 401 Certification
Permit must comply with WQS



Permit No. SD0021764
Page 1 of 39

What is an NPDES Permit?

- A permit is a license, issued by the government to a entity granting permission to do something that would otherwise be illegal without a permit.
- The permit authorizes the discharge a specified amount of a pollutants into a receiving water under conditions stipulated in the permit.

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue Suite 900
Seattle, Washington 98101-5140

Authorization to Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act".

The City of Pocatello

is authorized to discharge from the water pollution control facility located at 19733 North Rio Vista Road in Pocatello, Idaho, at the following location:

Outfall	Receiving Water	Latitude	Longitude
001	Fortune River	42° 54' 58"	112° 31' 10"

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.


This permit shall become effective September 1, 2012.

This permit and the authorization to discharge shall expire at midnight, August 31, 2017.

The permittee shall reapply for a permit renewal on or before 180 days before the expiration of this permit if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this 27th day of July 2012

Minor Modification August 28, 2012


Michael A. Bussell, Director
Office of Water and Watersheds



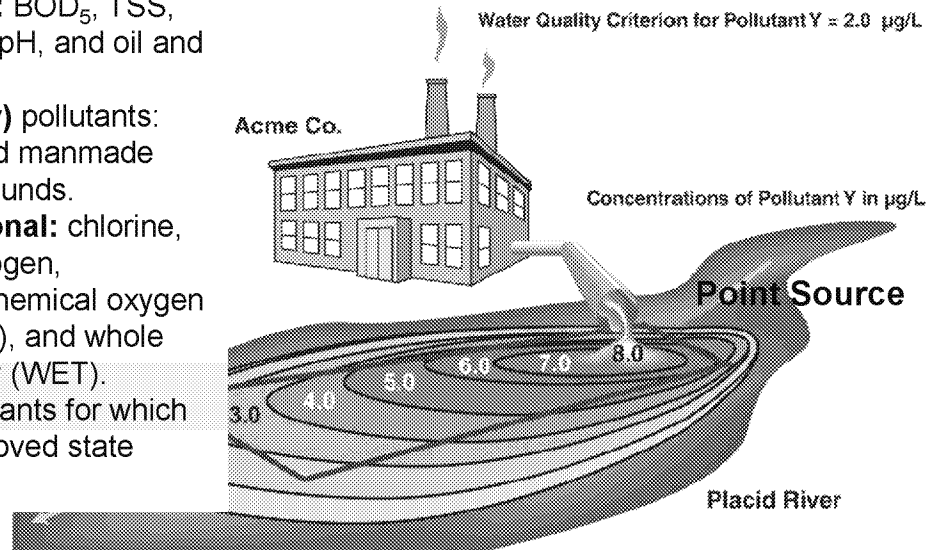
What is the discharge of pollutants?

Conventional: BOD₅, TSS, fecal coliform, pH, and oil and grease.

Toxic (priority) pollutants: 126 metals and manmade organic compounds.

Nonconventional: chlorine, ammonia, nitrogen, phosphorus, chemical oxygen demand (COD), and whole effluent toxicity (WET).

Others: pollutants for which there are approved state standard.



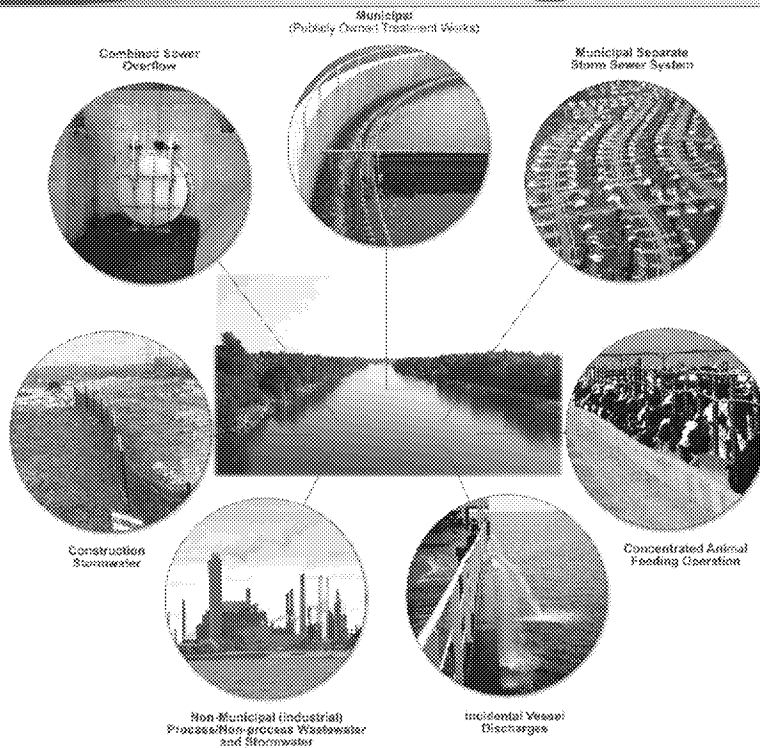


Permit Types

- Individual
- General

Sectors

- Municipal
- Industrial
- Stormwater
 - MS4
 - Industrial
 - Construction
- Other Sectors





Major Steps to Develop and Issue NPDES Permits

Application Process

- Receive application, 180 days before discharge.
- Review application for completeness and accuracy.

Gather Information

- Application data
- Discharge monitoring report data, submittals, compliance.
- Receiving water quality and flow data

Permit Development

- Use data and information to do analyses to identify pollutants.
- Determine limits.
- Establish monitoring and BMP plans to meet water quality standards.



Major Steps for Individual Permit - 2

Fact Sheet

- Prepare fact sheet and supporting documentation
- Document all permit decisions and derivation of effluent limitations

Additional Steps

- 401 certification request to jurisdiction where discharge is occurring
- Tribal consultation
- Endangered Species Act Consultation

Public Notice

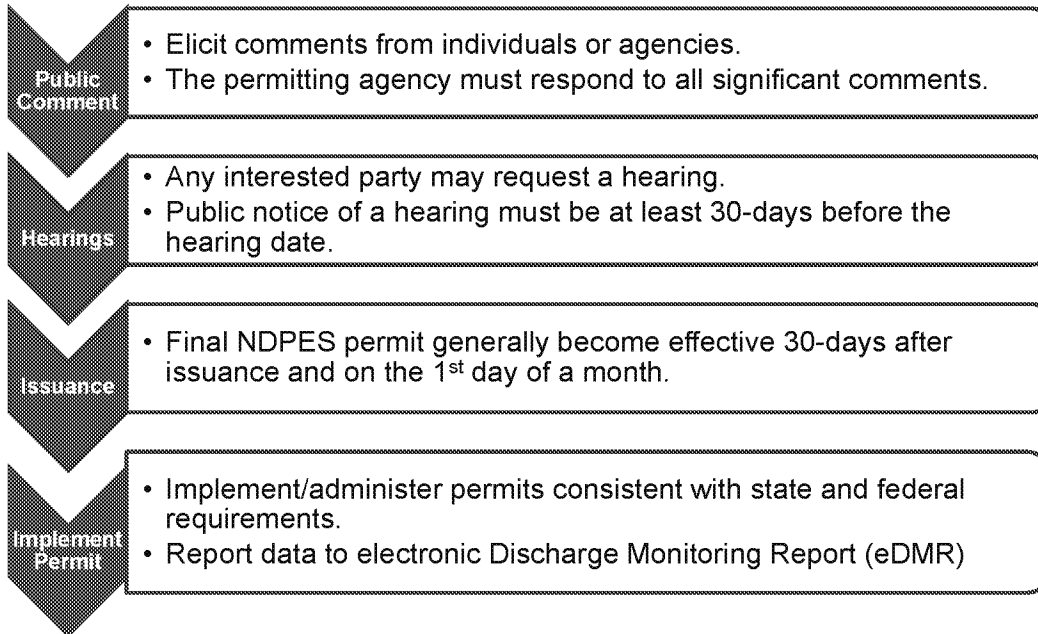
- Provide notice in a publication with sufficiently wide circulation.
- Inform the public about permit and accept comment..

Admin. Record

- Permit application and supporting data
- Draft permit and fact sheet, meeting notes and correspondence
- Correspondence with applicant or regulatory personnel



Major Steps for Individual Permit - 3





Other Actions Taken on Final Permit

Appeals

- The Permittee or interested party can contest the permit.
- State administrative appeal procedures designed to resolve permit challenges.

Modifications

- Minor – typos, more frequent monitoring, transfer, etc.
- Major – Except where permittee agrees, mods limits to causes in 122.61(a) and (b). Requires public notice and comment period.

Permit Admin

- Monitoring compliance with all permit conditions.
- Enforcement response for non-compliance.



EPA Permit Application Forms

- Washington federal facilities
- Idaho federal facilities until July 2019

* Use state permit application forms for Oregon and Alaska



Contents of NPDES Permits

- **Effluent Limits**
- Monitoring
- Reporting
- Record Keeping
- Special Conditions
- Standard Conditions



Effluent Limitations

Technology- and Water Quality-based Effluent
Limitations



	Technology-based Effluent Limitations (TBELs)	Water Quality-based Effluent Limitations (WQBELs)
→ Goal or Policy:	• Zero Discharge of Pollutants	• Fishable and Swimmable Waters • No Toxics in Toxic Amounts
→ Standards:	• Technology	• Water Quality
→ NPDES Regulations:	• 40 CFR 122.44(a), (e) • 40 CFR 125.3	• 40 CFR 122.44(d)

Develop **TBELs** (derived from technology standards) for all applicable pollutants of concern. Develop **WQBELs** where TBELs are not adequate to meet water quality standards in the receiving water.



Technology-based Effluent Limits

- **Goals**
 - Establish minimum control levels
 - Provide equity to categorical dischargers
- **Industrial dischargers**
 - National technology-based standards - effluent limitation guidelines (ELGs)
 - If no national standards, best professional judgment (BPJ) based on 40 CFR 125.3



Water Quality-based Effluent Limits

- Permits require water quality based limitations when more stringent limits than technology-based effluent limits must be applied to a discharge to protect the designated use of the receiving water.
 - If there is reasonable potential for the discharge to cause or contribute to excursions above any State WQS, WQ-based effluents must be set.
 - Statistical evaluation of likelihood of exceedance
 - Impaired waters, TMDL requirements



Reasonable Potential

40 CFR 122.44(d)(i) - Limitations must control **all pollutants or pollutant parameters** (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level which **will cause, have the reasonable potential to cause, or contribute to an excursion** above any State water quality standard, including State narrative criteria for water quality.



Contents of NPDES Permits

- Effluent Limits
- Monitoring
- Reporting
- Record Keeping
- Special Conditions
- Standard Conditions



Monitoring requirements are used to:
Evaluate permit compliance, as a basis for enforcement actions, to assess treatment efficiency, and to characterize the effluent and the receiving water.

Table 1. Effluent Limitations and Monitoring Requirements

Parameter	Effluent Limitations				Monitoring Requirements		
	Units	Average Monthly	Average Weekly	Maximum Daily	Sample Location	Sample Frequency	Sample Type
Numeric Effluent Limits							
Biochemical Oxygen Demand (BOD ₅)	mg/L	30	45	—	Influent & Effluent	3/week	24-hour composite
	lb/day	3,000	4,500	—			
	% removal	85% min.	—	—			
Total Suspended Solids (TSS) <i>TMDL-based limit</i>	mg/L	30	45	—	Influent & Effluent	3/week	24-hour composite
	lb/day	3,000	4,500	—			
	% removal	85% min.	—	—			
E. Coli Bacteria ^{1,2}	#/100 ml or MPN/100 ml	126 (Geometric Mean)	—	576 (Instantaneous Maximum)	Effluent	3/week	grab
pH	s.u.	Daily minimum 6.5 Daily maximum 9.0			Effluent	5/week or continuous	Grab or measurement



Monitoring

- Frequencies are based on the nature and effect of a pollutant, as well as a determination of the minimum sampling necessary to adequately monitor the facility's performance.
- Permittees have the option of taking more frequent samples than required by the permit.
- These samples must be included in calculations and used for averaging if they are conducted using appropriate test methods.



Monitoring records must include:

Lab

Field

- the date, exact place, and time of sampling or measurements
 - the name(s) of the individual(s) who performed the sampling or measurements;
-
- the date(s) analyses were performed;
 - the names of the individual(s) who performed the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.



Sampling

- Representative sample of influent?
 - Nothing specified in most permits
- Grab
 - Adequate if effluent quality is consistent
- Composite
 - Necessary if effluent quality varies
 - Time proportional
 - Specific sample volume taken every x hours
 - Flow proportional
 - Specific sample volume taken every x gallons
 - Varying sample volume taken every x hours



Type of Monitoring

- Self-monitoring – Discharge Monitoring Reports (DMRs)
 - Internal streams
 - Final Effluent
 - Ambient (for background data and/or to demonstrate compliance with WQS)
 - Sediment
 - Biological Monitoring (Whole Effluent Toxicity)
- Compliance monitoring (by inspectors)
- Monitoring location must be accessible
- Samples must be representative of regular operation



Monitoring Requirements in Permits

- **Frequency depends on many factors including**
 - Effluent variability
 - Facility size and design
 - Type of treatment
 - Location of discharge
 - Frequency of discharge
 - Compliance history
 - Nature of pollutants
- **Sample type are variable as well.**
 - Grab
 - Continuous
 - Composite, time proportional or flow proportional



Type of Monitoring

- Self-monitoring – Discharge Monitoring Reports (DMRs)
 - Internal streams
 - Final Effluent
 - Ambient (for background data and/or to demonstrate compliance with WQS)
 - Sediment
 - Biological Monitoring (Whole Effluent Toxicity)
- Compliance monitoring (by inspectors)
- Monitoring location must be accessible
- Samples must be representative of regular operation



Permit Reporting Requirements

- Monitoring Data
 - Discharge Monitoring Report (DMR)
 - Annual Reports
- Bypasses or Upsets
- Special plans or reports
 - compliance schedule progress reports
 - quality assurance plans
 - pollution prevention plans
 - Best Management Practices (BMP)
- Frequency of submission (monthly, quarterly, annually, never?)



Records

- Generation
 - DMRs
 - Required Plans (QAP, BMP, O&M)
- On-site retention
 - 40 CFR 122.41(j)(2) says “at least 3 years”
 - Most permits will say 5 years
- Are the Plans being followed?
- Do the Plans reflect current conditions?



Contents of NPDES Permits

- Effluent Limits
- Monitoring
- Reporting
- Record Keeping
- Special Conditions
- Standard Conditions



Special Conditions

- **Special studies**
 - EAL Plans
 - PCB Plans
- **Pollution Prevention (P2)**
- **Best Management Practices (BMPs)**
- **Compliance Schedules**



Special Conditions - Best Management Practices

- Schedule of activities
- Prohibitions of practices
- Maintenance procedures
- Treatment options
- Operating procedures & practices
 - control plant site runoff
 - spillage or leaks
 - sludge or waste disposal
 - drainage from raw material storage areas



EPA Statement on WA Federal Dam Permits

“EPA has determined that the preliminary draft permits for which we had requested water quality certification need additional internal review. Therefore, we have withdrawn our requests for water quality certification at this time. We fully intend to reinitiate our requests for water quality certification after we have completed our internal review and updated the preliminary draft permits, as appropriate.”



Additional Information

- EPA Region 10 – Idaho Permits
 - <http://yosemite.epa.gov/R10/WATER.NSF/NPDES+Permits/CurrentPermits>
- EPA NPDES Permits
 - <http://water.epa.gov/polwaste/npdes/>
- EPA Permit Writers' Manual
 - http://www.epa.gov/npdes/pubs/pwm_2010.pdf



Questions or Comments

Jenny Wu
NPDES Permits Unit
EPA Region 10, Seattle, WA
206-553-6328
Wu.Jennifer@epa.gov

Martin Merz
NPDES Permits Unit
EPA Region 10, Seattle, WA
206-553-0205
Merz.Martin@epa.gov

Appointment

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 2/4/2019 5:37:36 PM
To: Weber, Courtney [Weber.Courtney@epa.gov]; Poulsom, Susan [Poulsom.Susan@epa.gov]; Merz, Martin [merz.martin@epa.gov]
Subject: Lower Columbia River FS and Dalles permit
Location: 20th floor, Hells Canyon; conference line [Ex. 6 Personal Privacy (PP)] pin [Ex. 6 Personal Privacy (PP)]
Start: 2/4/2019 8:30:00 PM
End: 2/4/2019 9:30:00 PM
Show Time As: Tentative

I added the phone line [Ex. 6 Personal Privacy (PP)] pin [Ex. 6 Personal Privacy (PP)] in case you're working from home today. If you're in Seattle, we're in 20 Hells Canyon.

Message

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 2/8/2019 6:04:16 PM
To: Croxton, David [Croxton.David@epa.gov]; Merz, Martin [merz.martin@epa.gov]; Mann, Laurie [mann.laurie@epa.gov]
Subject: FW: Errors in a new Columbia Basin Bulletin article on Columbia/Snake dam permits and TMDL

FYI

From: Wu, Jennifer
Sent: Friday, February 08, 2019 10:04 AM
To: Holsman, Marianne <Holsman.Marianne@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>
Cc: Opalski, Dan <Opalski.Dan@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>
Subject: Errors in a new Columbia Basin Bulletin article on Columbia/Snake dam permits and TMDL

Hi Marianne and Mark, just FYI that the Columbia Basin Bulletin came out with an article on the Lower Columbia and Lower Snake dams, our request to withdraw the 401 cert, and the TMDL. Ecology's communications office may be sending a letter to the editor. Just forwarding this to you in case the agency also wants to add some corrections. The big error on the permits is that it says they have temperature and dissolved gas limits. There are some other smaller errors – the article says we have 6 permits (wrong) then says 9 permits (right).

From: Brown, Chad (ECY) <CHBR461@ECY.WA.GOV>
Sent: Friday, February 08, 2019 9:49 AM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>
Subject: RE: FYI on a new CBB article

Since Ecology is quoted in several places, I have noted the error to our communications staff too, and we may be sending an email or call to correct. But it seems that it would be good for the editor to hear from both our agencies on this. Just a suggestion.

Best,
Chad

From: Wu, Jennifer <Wu.Jennifer@epa.gov>
Sent: Friday, February 8, 2019 9:44 AM
To: Brown, Chad (ECY) <CHBR461@ECY.WA.GOV>
Subject: RE: FYI on a new CBB article

Thanks, Chad. You're right about there being some big errors in the article – temp and TDG limits. Thanks for the article – I'll pass it on!

From: Brown, Chad (ECY) <CHBR461@ECY.WA.GOV>
Sent: Friday, February 08, 2019 9:42 AM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>
Subject: FYI on a new CBB article

Hi Jenny,
FYI- new article from CBB. I wanted to make you aware of the fairly significant errors in the second paragraph.
<http://www.cbbulletin.com/442118.aspx>

Chad

Chad Brown | Water Quality Management Unit Supervisor | Washington Department of Ecology
chad.brown@ecy.wa.gov | 360-407-6128

Message

From: Columbia Basin Bulletin [billcrampton@bendcable.com]
Sent: 2/8/2019 5:16:46 PM
To: Merz, Martin [merz.martin@epa.gov]
Subject: CBB, 02/08/2019

If the Columbia Basin Bulletin has been forwarded to you, please subscribe by sending an e-mail to billcra
"subscribe cbb" in the subject line. Or go to <http://www.cbbulletin.com/NewsletterSignup/default.aspx>
-- Bill Crampton, Editor, billcrampton@bendcable.com, 541-312-8860

The Columbia Basin Bulletin:
Weekly Fish and Wildlife News
www.cbbulletin.com
February 8, 2019
Issue No. 897

Table of Contents

* EPA Withdraws Draft Water Quality Permits Sought From Washington Ecology For Columbia/Snake Dam
<http://www.cbbulletin.com/442118.aspx>

* Juvenile Sturgeon Below Bonneville Dam Still Show Reduced Abundance, Legal-Size Fish Numbers Dropping
<http://www.cbbulletin.com/442117.aspx>

* Judge Says No To Expedited Hearing But Lawsuit Over Willamette Basin Dams Moves Forward
<http://www.cbbulletin.com/442116.aspx>

* Idaho Meetings Set For Anglers To Discuss Upcoming Chinook Fishing Season
<http://www.cbbulletin.com/442115.aspx>

* Streamflow, Snowpack Forecasts Dropping Across The Basin; Water Supply 83 Percent Normal At Dalles
<http://www.cbbulletin.com/442114.aspx>

* Final EIS Issued On New Facility At Nez Perce Hatchery To 'Recondition' Steelhead (Spawners) Kelts
<http://www.cbbulletin.com/442113.aspx>

* 2018 Comparative Survival Report Offers Latest Numbers On Smolt-To-Adult Returns For Columbia/Snake River
<http://www.cbbulletin.com/442112.aspx>

* NOAA Report: 2018 Fourth Warmest Year With Nine Of 10 Warmest Years Coming Since 2005
<http://www.cbbulletin.com/442111.aspx>

* Idaho Fish And Game Designs Innovative Way To Survey Wildlife Using Remote Cameras
<http://www.cbbulletin.com/442110.aspx>

* Research On Northwest Forest Plan Shows Bird Species Struggling 25 Years Later
<http://www.cbbulletin.com/442109.aspx>

* Climate Modeling Details Coming Significant Vegetation Type Shifts In Coastal Forests
<http://www.cbbulletin.com/442108.aspx>

* Climate Change Will Shift Color Of Surface Ocean By End Of Century
<http://www.cbbulletin.com/442107.aspx>

* EPA Withdraws Draft Water Quality Permits Sought From Washington Ecology For Columbia/Snake Dam

Ex. 4 Copyright

Ex. 4 Copyright

Ex. 4 Copyright

Also see:

- CBB, February 1, 2019, "Washington Ecology's Draft EIS Raises Gas Cap To Allow More Spill For Fish"
<http://www.cbbulletin.com/442078.aspx>
- CBB, January 11, 2019, "Following Presidential Directive, Feds Shorten Columbia/Snake Hydrosystem"
<http://www.cbbulletin.com/441998.aspx>
- CBB, December 21, 2018, "Parties Sign Agreement On Flexible Spill For Fish Passage At Columbia/Snake"
<http://www.cbbulletin.com/441945.aspx>
- CBB, October 26, 2018, "Federal Court Orders EPA To Complete Water Temperature Protections For Columbia/Snake"
<http://www.cbbulletin.com/441724.aspx>
- CBB, April 26, 2016, "Conservation Groups File Notice To Sue EPA Over Columbia/Snake Water Temperature"
<http://www.cbbulletin.com/437375.aspx>

* Juvenile Sturgeon Below Bonneville Dam Still Show Reduced Abundance, Legal-Size Fish Numbers Do

Ex. 4 Copyright

Ex. 4 Copyright

Also see:

-- CBB, October 27, 2017, "Sturgeon Fishing Day Added, Mainstem Night Fishing Ban Lifted, Wild Steelhead Season Begins," <http://www.cbbulletin.com/439783.aspx>

-- CBB, October 13, 2017, "States Set Two Days For Sturgeon Retention Fishing Downstream Of Bonneville Dam," <http://www.cbbulletin.com/439717.aspx>

--CBB, June 16, 2017, "With More Fish Caught Than Expected, States Close Lower Columbia Sturgeon Fishing Season," <http://www.cbbulletin.com/439103.aspx>

--CBB, February 10, 2017, "Harvest Managers Extend Tribal Sturgeon Gillnetting For One Week," <http://www.cbbulletin.com/438114.aspx>

-- CBB, Feb. 26, 2016, "Lower Columbia River White Sturgeon Overall Numbers Continue To Grow, 'Ongoing'," <http://www.cbbulletin.com/436114.aspx>

* Judge Says No To Expedited Hearing But Lawsuit Over Willamette Basin Dams Moves Forward

Ex. 4 Copyright

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Also see:

– CBB, March 16, 2018, “Conservation Groups Sue Federal Agencies Over ESA-Listed Willamette Salmon”
<http://www.cbbulletin.com/440366.aspx>

— CBB, November 3, 2017, "Conservation Groups Announce Intent To Sue Corps Over Willamette Chinook"
<http://www.cbbulletin.com/439813.aspx>

* Idaho Meetings Set For Anglers To Discuss Upcoming Chinook Fishing Season

Ex. 4 Copyright

Ex. 4 Copyright

* Streamflow, Snowpack Forecasts Dropping Across The Basin; Water Supply 83 Percent Normal At Dalles

Ex. 4 Copyright

* Final EIS Issued On New Facility At Nez Perce Hatchery To 'Recondition' Steelhead (Spawned) Kelts

Ex. 4 Copyright

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Also see:

–CBB, December 2, 2016, “Nez Perce Tribe Seeking Next Step For Steelhead Kelt Facility To Capture, R
<http://www.cbbulletin.com/438041.aspx>

–CBB, July 22, 2016, “Repeat Spawners: Study Looks At How Improving Steelhead ‘Kelt’ Survival Could
<http://www.cbbulletin.com/437180.aspx>

–CBB, November 7, 2014, “Will Getting Some Steelhead To Spawn Twice Improve Numbers? Yakama N
Answers,” <http://www.cbbulletin.com/432586.aspx>

* 2018 Comparative Survival Report Offers Latest Numbers On Smolt-To-Adult Returns For Columbia/Sn

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Ex. 4 Copyright

* NOAA Report: 2018 Fourth Warmest Year With Nine Of 10 Warmest Years Coming Since 2005

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* Idaho Fish And Game Designs Innovative Way To Survey Wildlife Using Remote Cameras

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* Climate Modeling Details Coming Significant Vegetation Type Shifts In Coastal Forests

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* Climate Change Will Shift Color Of Surface Ocean By End Of Century

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For more information about the CBB contact:

- Bill Crampton, Editor/Writer, billcrampton@bendcable.com, phone: 541-312-8860
- Mike O'Bryant, Writer, obryants@comcast.net, phone: 503-307-7487
- Jim Mann, Writer, jmann@cbbulletin.com, phone: 406-270-5663

The stories in this e-mail newsletter are posted on the Columbia Basin Bulletin website at www.cbbulletin.com.

Feedback comments should be sent by e-mail to the Editor at bcrampton@cbbulletin.com. Please put "feedback" in the subject line to encourage comments about particular stories, complaints about inaccuracies or omissions; additional information requested; or opinions that counterbalance statements reported. The Columbia Basin Bulletin e-mail newsletter is published by Intermountain Communications of Bend, Oregon and supported with Bonneville Power Administration fish and wildlife research grants from the Northwest Power and Conservation Council's Columbia Basin Fish and Wildlife Program.

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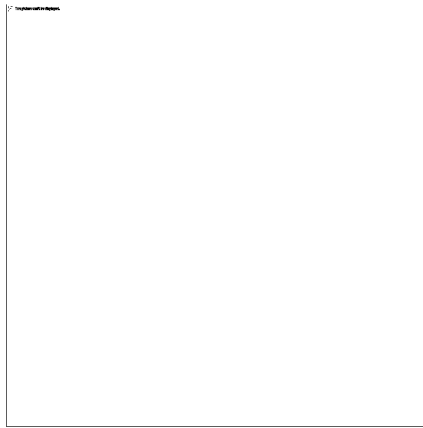
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Message

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 1/30/2019 12:18:30 AM
To: Weber, Courtney [Weber.Courtney@epa.gov]; Poulsom, Susan [Poulsom.Susan@epa.gov]
CC: Merz, Martin [merz.martin@epa.gov]
Subject: RE: Pls rw WA federal dam permit and FS

Please use this link instead of the email I sent in December.

From: Wu, Jennifer
Sent: Tuesday, January 29, 2019 4:07 PM
To: Weber, Courtney <Weber.Courtney@epa.gov>; Susan Poulsom <Poulsom.Susan@epa.gov>
Cc: Merz, Martin <merz.martin@epa.gov>
Subject: Pls rw WA federal dam permit and FS

Hi Courtney and Susan (cc: Martin),

Post-shutdown, I completely forgot that we were going to meet after you had reviewed the Lower Columbia River dams Fact Sheet draft and the Dalles Dam permit. It looks like Courtney commented on the Columbia River dams Fact Sheet, but I don't see any comments in the Dalles dam permit. Susan, I don't think you've reviewed the permit and FS yet. Please take a look at these, and I'll send an invite for next week. Martin and I will change the other FS and permits based on these comments. Note the FS Table of Contents is messed up, so I need to reformat it.

Ex. 6 SharePoint link

Jenny Wu
Environmental Engineer, NPDES Permits Unit
EPA Region 10
1200 6th Avenue, Suite 155 (OWW-191)
Seattle, WA 98101
206-553-6328

Message

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 2/7/2019 5:55:02 PM
To: Merz, Martin [merz.martin@epa.gov]
Subject: FW: Response to 401 Certification Request Withdrawal
Attachments: 7-EPAExtensionResponse-121418.pdf; ATT00001.htm; 8-EmailExtensionRequestAndResponse-01302019.pdf; ATT00002.htm; 9-EcologyPublicNotice401DamsPN-013019.pdf; ATT00003.htm; 10-EPAWithdrawal-020119.pdf; ATT00004.htm; Attachment-401CertFederalDamsTimeline-020519.docx; ATT00005.htm; HeatherToDanOpalski401-020519.pdf; ATT00006.htm; 1-LowerColumbiaEPAResponse-091918.pdf; ATT00007.htm; 2-SnakeEPAResponse-092018.pdf; ATT00008.htm; 3-GrandCouleeEPAResponse-100418.pdf; ATT00009.htm; 4-EcologyExtensionRequest-101218.pdf; ATT00010.htm; 5-EPAResponseFor401Cert-101918.pdf; ATT00011.htm; 6-EcologyExtensionRequest-120718.pdf; ATT00012.htm

We should remind everyone you're on the project too so you get these emails. In the meanwhile, see the back and forth.

From: Opalski, Dan
Sent: Thursday, February 07, 2019 6:13 AM
To: Lidgard, Michael <Lidgard.Michael@epa.gov>; Poulson, Susan <Poulson.Susan@epa.gov>; Wu, Jennifer <Wu.Jennifer@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Cc: Weber, Courtney <Weber.Courtney@epa.gov>
Subject: Fwd: Response to 401 Certification Request Withdrawal

Sent from my iPhone

Begin forwarded message:

From: "Bartlett, Heather (ECY)" <heba461@ECY.WA.GOV>
Date: February 5, 2019 at 5:12:57 PM PST
To: "Opalski, Dan" <Opalski.Dan@epa.gov>
Cc: "Bartlett, Heather (ECY)" <heba461@ECY.WA.GOV>, "Gildersleeve, Melissa (ECY)" <MGIL461@ECY.WA.GOV>, "McGowan, Vincent (ECY)" <vmcg461@ECY.WA.GOV>, "Mena, Sharlett (ECY)" <mesh461@ECY.WA.GOV>
Subject: Response to 401 Certification Request Withdrawal

Please find attached Ecology's response to your withdrawal request to 401 certification.

Let me know if you have questions.

Heather

Heather Bartlett

Water Quality Program Manager
Department of Ecology
PO Box 47696
Olympia WA 98504-7696
Phone (360) 407-6405



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

SEP 19 2018

OFFICE OF
WATER AND WATERSHEDS

DEPARTMENT OF ECOLOGY

SEP 24 2018

WATER QUALITY PROGRAM

Reply to
Attn of: OWW-191

Mr. Vince McGowan
Program Development Services Manager
Washington Department of Ecology
300 Desmond Drive SE
Lacey, Washington 98503

Re: Request for Preliminary Clean Water Act Section 401 Certifications of NPDES Draft Permits for
Bonneville Project, NPDES Permit No. WA0026778
The Dalles Lock and Dam, NPDES Permit No. WA0026701
John Day Project, NPDES Permit No. WA0026832
McNary Lock and Dam, NPDES Permit No. WA0026824

Dear Mr. McGowan:

Enclosed are preliminary drafts of the National Pollutant Discharge Elimination System (NPDES) permits for the Bonneville Project, The Dalles Lock and Dam, John Day Project, and McNary Lock and Dam. These permits are covered under the fact sheet for the United States Army Corps of Engineers (USACE) Lower Columbia River Hydroelectric Generating Facilities.

We are asking for the Washington Department of Ecology (Ecology) to review and provide preliminary Clean Water Act (CWA) Section 401 Certifications for these permit actions. If we receive the certifications prior to public notice of the permits, we will include a reference to the State's certification in the public notice along with a copy of the certifications in the fact sheet. The public notice of the permits may also fulfill the Ecology's public notice requirements for certification under CWA Section 401(a)(1). If possible, we would appreciate a response within 30 days.

Since these preliminary drafts are not intended for review outside of Ecology, we appreciate your discretion in retaining them within the department.

If you have any questions, please contact Jenny Wu at 206-553-6328 or 1-800-424-4372 ext. 6328 or Wu.Jennifer@epa.gov. We look forward to your comments on these draft permits.

Sincerely,

Michael J. Lidgard, Manager
NPDES Permits Unit

Enclosures

cc: Ellie Key, Washington Department of Ecology (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

OFFICE OF
WATER AND WATERSHEDS

SEP 20 2018

DEPARTMENT OF ECOLOGY

SEP 28 2018

WATER QUALITY PROGRAM

Reply to Attn of: OWW-191

Mr. Vince McGowan
Program Development Services Manager
Washington Department of Ecology
300 Desmond Drive SE
Lacey, Washington 98503

Re: Request for Preliminary Clean Water Act Section 401 Certifications of NPDES Draft Permits for
Ice Harbor Lock and Dam, NPDES Permit No. WA0026816
Lower Monumental Lock and Dam, NPDES Permit No. WA0026808
Little Goose Lock and Dam, NPDES Permit No. WA0026786
Lower Granite Lock and Dam, NPDES Permit No. WA0026794

Dear Mr. McGowan:

Enclosed are preliminary drafts of the National Pollutant Discharge Elimination System (NPDES) Permits for the Ice Harbor Lock and Dam, Lower Monumental Lock and Dam, Little Goose Lock and Dam, and Lower Granite Lock and Dam. These permits are covered under the fact sheet for the United States Army Corps of Engineers (USACE) Lower Snake River Hydroelectric Generating Facilities.

We are asking for the Washington Department of Ecology (Ecology) to review and provide preliminary Clean Water Act (CWA) Section 401 Certifications for these permit actions. If we receive the certification prior to public notice of the permits, we will include a reference to the State's certifications in the public notice along with a copy of the certifications in the fact sheet. The public notice of the permits may also fulfill the Ecology's public notice requirements for certification under CWA Section 401(a)(1). If possible, we would appreciate a response within 30 days.

Since these preliminary drafts are not intended for review outside of Ecology, we appreciate your discretion in retaining them within the department.

If you have any questions, please contact Jenny Wu at 206-553-6328 or 1-800-424-4372 ext. 6328 or wu.jennifer@epa.gov. We look forward to your comments on these draft permits.

Sincerely,

Michael J. Lidgard, Manager
NPDES Permits Unit

Enclosures

cc: Ellie Key, Washington Department of Ecology (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

OFFICE OF
WATER AND WATERSHEDS

OCT - 4 2018

DEPARTMENT OF ECOLOGY

OCT 11 2018

WATER QUALITY PROGRAM

Reply to
Attn of: OWW-191

Mr. Vince McGowan
Program Development Services Manager
Washington Department of Ecology
300 Desmond Drive SE
Lacey, Washington 98503

Re: Request for Preliminary Clean Water Act Section 401 Certification of NPDES Draft Permit for
Grand Coulee Dam, NPDES Permit No. WA0026867

Dear Mr. McGowan:

Enclosed is a preliminary draft of the National Pollutant Discharge Elimination System (NPDES) permit plus a fact sheet for the Grand Coulee Dam.

We are asking for the Washington Department of Ecology to review and provide a preliminary Clean Water Act (CWA) Section 401 Certification for this permit action. If we receive the certification prior to public notice of the permit, we will include a reference to the State's certification in the public notice along with a copy of the certification in the fact sheet. The public notice of the permit may also fulfill Ecology's public notice requirements for certification under CWA Section 401(a)(1). If possible, we would appreciate a response within 30 days.

Since this preliminary draft is not intended for review outside of Ecology, we appreciate your discretion in retaining it within the department.

If you have any questions, please contact Jenny Wu at 206-553-6328 or 1-800-424-4372 ext. 6328, or Wu.Jennifer@epa.gov. We look forward to your comments on this draft permit.

Sincerely,

Michael J. Lidgard, Manager
NPDES Permits Unit

Enclosures

cc: Ellie Key, Washington Department of Ecology (via email)



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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October 12, 2018

Dan Opalski, Director
Office of Water and Watersheds, EPA Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Re: Section 401 Certifications for Federal Hydroelectric Generating
Facilities on the Columbia and Lower Snake River

Dear Director Opalski:

This letter is in response to your September 19th and 20th letters requesting the Washington State Department of Ecology (Ecology) provide preliminary Clean Water Act (CWA) section 401 certifications of the draft National Pollutant Discharge Elimination System (NPDES) permits for these facilities. Specifically the draft NPDES permits for the four federal hydroelectric facilities located on the lower Columbia River and the four federal hydroelectric facilities located on the lower Snake River. We have received email correspondence but no formal letter on the federal Grand Coulee hydroelectric facility on the Columbia River.

There are a number of concurrent processes underway with regards to the federal hydropower system and this request comes in advance of the completion of those processes. It would be helpful to understand the linkage of these permits to these other processes. We would like to meet with EPA to discuss further. Ideally, we could get more background information and a better understanding of these permits and your schedule.

Your letters requested a response within 30 days. We will require time to complete our review process and provide a section 401 certification decision. Section 401(a)(1) of the Clean Water Act, provides states up to one year to act on a request for section 401 certification. This letter is not to be considered our decision or a waiver of Washington State's 401 certification authority. If you are unable to accommodate our need for additional time to complete our review process, we will need to deny section 401 certification because we currently do not have sufficient information that will provide reasonable assurance that Washington's water quality standards and other appropriate requirements of state law will be met.

We look forward to discussing this further with you.

Sincerely,

Heather R. Bartlett
Water Quality Program Manager





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

OFFICE OF
WATER AND WATERSHEDS

OCT 19 2018

Ms. Heather R. Bartlett
Water Quality Program Manager
Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

Re: Request for Clean Water Act Section 401 Certification of NPDES Draft Individual Permits for Federal Hydroelectric Generating Facilities on the Columbia River and Lower Snake River in Washington

Dear Ms. Bartlett:

Thank you for your letter of October 12, 2018, responding to the U.S. Environmental Protection Agency's request for Washington Department of Ecology's preliminary draft Clean Water Act (CWA) Section 401 Certifications of NPDES Draft Individual Permits for Hydroelectric Generating Facilities on the Columbia River and Lower Snake River. As you requested in your letter, the EPA and Ecology have a meeting scheduled on Wednesday, October 24, 2018, to discuss the EPA's request. We look forward to discussing the permit actions as well as the interplay of the NPDES permits and other federal actions occurring on the Columbia River and Lower Snake River. In the meantime, we are clarifying our request for CWA 401 certifications of these permits.

We are requesting CWA 401 certification of the following permits:

Ice Harbor Lock and Dam, NPDES Permit No. WA0026816
Lower Monumental Lock and Dam, NPDES Permit No. WA0026808
Little Goose Lock and Dam, NPDES Permit No. WA0026786
Lower Granite Lock and Dam, NPDES Permit No. WA0026794
Bonneville Project, NPDES Permit No. WA0026778
The Dalles Lock and Dam, NPDES Permit No. WA0026701
John Day Project, NPDES Permit No. WA0026832
McNary Lock and Dam, NPDES Permit No. WA0026824
Grand Coulee Dam, NPDES Permit No. WA0026867

We have enclosed copies of the Draft Permits and Fact Sheets for your use in completing the certifications. We request that your certifications follow the federal regulations governing state certification at 40 CFR §124.53(e). The regulations allow for the State to stipulate more stringent conditions in the permit, if the certifications cite the Clean Water Act or State law references upon which that condition is based. In addition, the regulations require the certification to include statements for each condition of the permit that can be made less stringent without violating requirements of State law.

Final action on these permits cannot be taken until your agency has granted or denied certification under 40 CFR §124.55, or waived its right to certify. Pursuant to 40 CFR §124.53(c)(3), the State will be

deemed to have waived its right to certify unless that right is exercised within 60 days of the receipt of the Draft Permits, i.e., by December 18, 2018. We understand that you may have concerns with meeting this schedule, which we can further discuss at the meeting on October 24th.

Since these Draft Permits are not intended for review outside of Ecology, we appreciate your discretion in retaining them within the department. If you have any questions, please feel free to call me at (206) 553-1855, or have your staff contact Jenny Wu of my staff at (206) 553-6328, or (800) 424-4372 ext. 6328 or by email at wu.Jennifer@epa.gov. We look forward to your CWA 401 certifications and our meeting next week.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel D. Opalski", with a small "for" written below it.

Daniel D. Opalski
Director

Enclosures

cc: Mr. Vince McGowan, Washington Department of Ecology (via email)
Ms. Ellie Ott, Washington Department of Ecology (via email)



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 7, 2018

Daniel Opalski
Director
Office of Water and Watersheds
US Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

Re: October 19, 2018 letter seeking 401 certification of Draft Individual Permits for
Federal Hydroelectric Generating Facilities on the Columbia and Lower Snake River

Dear Mr. Opalski:

Thank you for your staff's time explaining the deadlines you are working under to address your National Pollutant Discharge Elimination System (NPDES) backlog. The meeting was helpful for us, and while we continue to believe your federal regulations, 40 CFR 124.53, regarding timing and process for state 401 certifications is inconsistent with the federal Clean Water Act, we think it is important to work cooperatively with you on this work. For that reason, we would like to request a time extension for the 401 certifications for the Federal Hydroelectric Generating Facilities identified in your October 19 letter.

At this meeting, your staff discussed the possibility of allowing a time extension under your regulations. We are requesting a 45-day extension to February 1, 2019 from the December 18, 2018 date you identified in your letter as our deadline. Your letter requests certification for nine federal hydroelectric generating facilities and the Washington State Department of Ecology (Ecology) needs additional time to complete this significant and unexpected work. Our work is further complicated by several ongoing efforts on the Columbia and Snake Rivers that will impact the certifications you have requested; the negotiations for the federal Biological Opinion for the Federal Columbia River Power System (FCRPS) and the temperature total maximum daily load (TMDL) that your agency is doing for the Columbia and Snake Rivers.

Our hope is that this period of time will allow you to issue your TMDL, allow Ecology to better understand the federal biological opinion settlement, and work with you and the federal agencies that operate the nine facilities so Ecology can issue 401 certifications that are workable for the



Daniel Opalski
December 7, 2018
Page 2

federal agencies while also protecting Washington's waters. I also want to be clear that Washington is not waiving our 401-certification authority and we have no desire to do so. I look forward to hearing back from you regarding the 45-day extension.

Sincerely,

A handwritten signature in dark ink, reading "Heather R. Bartlett". The signature is fluid and cursive, with the first name "Heather" and last name "Bartlett" clearly legible. The middle initial "R." is smaller and less distinct.

Heather R. Bartlett
Water Quality Program Manager

DEC 18 2018



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123WATER QUALITY PROGRAM
OFFICE OF
WATER AND WATERSHEDS

DEC 14 2018

Ms. Heather Bartlett
Water Quality Program Manager
Washington Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Re: Request for Clean Water Act section 401 extension on National Pollutant Discharge Elimination System (NPDES) permits for Washington federal hydroelectric generating facilities on the Lower Columbia and Lower Snake Rivers

Dear Ms. Bartlett:

The Environmental Protection Agency received the Washington Department of Ecology's (Ecology) letter on December 7, 2018, requesting additional time for the Clean Water Act section 401 certification on preliminary draft NPDES permits for the Washington federal hydroelectric generating facilities on the Lower Columbia and Lower Snake Rivers. The letter also describes the uncertainty of pending actions that could affect the permits and requests that Ecology be given until February 1, 2019, to complete a Clean Water Act section 401 certification.

The EPA agrees that several processes are occurring that warrant additional time for the Clean Water Act section 401 certification from Ecology. Therefore, the EPA is granting Ecology's request for an extension until February 1, 2019.

Please do not hesitate to call me at (206) 553-1855, or have your staff contact Jenny Wu, of my staff, at (206) 553-6328 or by email at Wu.Jennifer@epa.gov if you have any questions.

Sincerely,

Daniel D. Opalski
Director

cc: Ms. Melissa Gildersleeve, Ecology
Mr. Vince McGowan, Ecology
Ms. Ellie Ott, Ecology

From: [Bartlett, Heather \(ECY\)](#)
To: [McGowan, Vincent \(ECY\)](#); [Ott, Ellie \(ECY\)](#)
Cc: [Randall, Loree" \(ECY\)](#)
Subject: FW: Extension Request
Date: Monday, February 4, 2019 12:09:15 PM

For your records and reference accordingly in response back to EPA per their letter late Friday.
Thanks. Heather

From: Opalski, Dan [<mailto:Opalski.Dan@epa.gov>]
Sent: Tuesday, January 29, 2019 3:41 PM
To: Bellon, Maia (ECY) <maib461@ECY.WA.GOV>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bartlett, Heather (ECY) <heba461@ECY.WA.GOV>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>
Subject: FW: Extension Request

Maia,

Chris asked that I respond to you on his behalf.

EPA hereby grants your request for additional time through February 28, 2019.

We appreciate your continued thoughtful approach on this matter.

Dan Opalski
Director, Office of Water and Watersheds

From: Hladick, Christopher
Sent: Saturday, January 26, 2019 7:54 AM
To: Opalski, Dan <Opalski.Dan@epa.gov>
Subject: Fwd: Extension Request

Sent from my iPhone

Begin forwarded message:

From: "Bellon, Maia (ECY)" <maib461@ECY.WA.GOV>
Date: January 25, 2019 at 1:32:47 PM PST
To: "hladick.christopher@epa.gov" <hladick.christopher@epa.gov>
Subject: Extension Request

Chris,

The Department of Ecology appreciates EPA's cooperation on December 18, 2018, in

extending our review period to February 1, 2019 for consideration of 401 certification for the nine draft individual permits for federal hydroelectric generating facilities on the Columbia and Lower Snake Rivers. After further review, we will initiate the required public notice and comment period of our draft 401 certifications the week of January 28, 2019 for the facilities and the associated draft NPDES permits EPA has developed and submitted to us.

This means that we will finalize the 401 certifications for the nine facilities following our formal public review period and therefore require time beyond February 1, 2019, to complete our state process. Ecology is not waiving our right to certify, but will need additional time to ensure the state's requirements for public review and comment process are met.

Please confirm EPA's agreement to allow additional time for Ecology to meet state processes and extend our deadline to February 28, 2019.

Thank you,

Maia Bellon, Director
Washington State Department of Ecology

Public Notice of Draft Federal Permits for State of Washington 401 Water Quality Certification

Project Name: Nine Federal Dams on the
Columbia and Snake Rivers

Requestor: U.S. EPA

Project Location: Columbia and Snake Rivers

Project Description: U.S. EPA proposes to issue National Pollutant Discharge Elimination System (NPDES) permits to nine federal dams and requests state 401 water quality certification.

Public Notice Date: January 30, 2019

Comment Period Ends: February 19, 2019

**Request information is available on Ecology's
Federal Permit Website:**

[https://ecology.wa.gov/401-and-CZM-public-
notices](https://ecology.wa.gov/401-and-CZM-public-
notices)

*To obtain a hard copy of the request information,
please call 360-407-6433.*

Ecology will review the draft permits and activities pursuant to Section 401 of the Clean Water Act, and with applicable provisions of State water pollution control laws.

Ecology is requesting comments from the public, state and local agencies, tribes, and other interested parties to evaluate the impacts of each draft permit and activity.

Conventional mail or e-mail comments on this public notice will be accepted and made part of the record.

Send comments to:

Department of Ecology
Water Quality Program
Eleanor Ott, PE
Post Office Box 47600
Olympia, Washington 98504

- or -

Online: <http://ws.ecology.commentinput.com/?id=ix2pY>



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

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PUBLIC NOTICE

**Announcing Draft Permits for Nine Federal Dams on the Columbia and Snake Rivers
Request for State Certification for Review and Comment**

Proposed Permits

The United States Environmental Protection Agency requested Washington State Department of Ecology (Ecology) Clean Water Act (CWA) Section 401 certification on December 19, 2018 for the following draft permits:

- Ice Harbor Lock and Dam, NPDES Permit No. WA0026816
- Lower Monumental Lock and Dam, NPDES Permit No. WA0026808
- Little Goose Lock and Dam, NPDES Permit No. WA0026786
- Lower Granite Lock and Dam, NPDES Permit No. WA0026794
- Bonneville Project, NPDES Permit No. WA0026778
- The Dalles Lock and Dam, NPDES Permit No. WA0026701
- John Day Project, NPDES Permit No. WA0026832
- McNary Lock and Dam, NPDES Permit No. WA0026824
- Grand Coulee Dam, NPDES Permit No. WA0026867

The United States Army Corps of Engineers (Corps) operates eight of the dams and the United States Bureau of Reclamation operates the Grand Coulee Dam. State and Federal water quality statutes and regulations do not allow the discharge of pollutants to waters of the state without permit coverage.

Purpose of the Permits

The nine federal National Pollutant Discharge Elimination System (NPDES) permits would authorize discharges from cooling water, equipment, floor drains, sumps, facility maintenance water, and other miscellaneous discharges.

Purpose of the 401 Certifications

Section 401 of the CWA provides that the federal government may not issue a permit relating to any activity which may result in any discharge into the navigable waters until a certification is granted or waived by the state in which the discharge originates, or will originate.

The state certification evaluates whether the discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 of the CWA and appropriate requirements of state law. Ecology will review the draft permits pursuant to Section 401 of the CWA, and with applicable provisions of State water pollution control laws.

Copies of the Draft Permits

You may request copies of the documents from EPA staff, Jenny Wu at Wu.Jennifer@epa.gov or (206) 553-1855.

Ecology Contact

Eleanor Ott, PE
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
Telephone: (360) 407-6433
Email: eleanor.ott@ecy.wa.gov

Submitting Written Comments

Ecology is requesting comments from the public, state and local agencies, tribes, and other interested parties on EPA's request, in relation to water pollution control considerations. Ecology will accept written comments until 11:59 PM, February 19, 2019. Ecology prefers comments be submitted online or in a letter format mailed directly to Ecology.

Submit comments online: <http://ws.ecology.commentinput.com/?id=ix2pY>
(preferred method)

Submit comments by mail to: Eleanor Ott, PE
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

You must provide comments before 11:59 PM, February 19, 2019. Written comments must be postmarked no later than 11:59 PM, February 19, 2019.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

OFFICE OF
WATER AND WATERSHEDS

FEB 01 2019

Ms. Heather R. Bartlett
Water Quality Program Manager
Washington Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

Re: Withdrawal of Request for Clean Water Act Section 401 Certifications of NPDES Draft Permits

Dear Ms. Bartlett:

With this letter, the U.S. Environmental Protection Agency is withdrawing our requests of the Washington Department of Ecology (Ecology) for certification under Section 401 of the Clean Water Act of the draft NPDES permits for the following nine federal hydroelectric generating facilities in Washington:

Lower Columbia River Hydroelectric Generating Facilities

Bonneville Project, NPDES Permit No. WA0026778
The Dalles Lock and Dam, NPDES Permit No. WA0026701
John Day Project, NPDES Permit No. WA0026832
McNary Lock and Dam, NPDES Permit No. WA0026824

Lower Snake River Hydroelectric Generating Facilities

Ice Harbor Lock and Dam, NPDES Permit No. WA0026816
Lower Monumental Lock and Dam, NPDES Permit No. WA0026808
Little Goose Lock and Dam, NPDES Permit No. WA0026786
Lower Granite Lock and Dam, NPDES Permit No. WA0026794

Grand Coulee Dam, NPDES Permit No. WA0026867

The EPA sent the preliminary draft NPDES permit documents and requested Ecology's Clean Water Act 401 certification on the following dates:

Lower Columbia River Hydroelectric Generating Facilities – September 19, 2018
Lower Snake River Hydroelectric Generating Facilities – September 20, 2018
Grand Coulee Dam – October 4, 2018

Please return to us the materials that we provided with our certification requests. When we determine that a renewed request for water quality certification is appropriate, we will be in further communication with appropriately updated materials. If you have any questions on this matter, please do not hesitate to contact me at (206) 553-1855.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dan D. Opalski", written in a cursive style.

Daniel D. Opalski, Director
Office Water and Watersheds

cc: Ellie Ott, Washington Department of Ecology (via email)
Vince McGowan, Washington Department of Ecology (via email)

401 Certification Timeline for Nine Federal Dams

- September 19, 2018 – EPA first requests preliminary certification for:
 - Bonneville Project, NPDES Permit No. WA0026778
 - The Dalles Lock and Dam, NPDES Permit No. WA0026701
 - John Day Project, NPDES Permit No. WA0026832
 - McNary Lock and Dam, NPDES Permit No. WA0026824
- September 20, 2018 – EPA first requests preliminary certification for:
 - Ice Harbor Lock and Dam, NPDES Permit No. WA0026816
 - Lower Monumental Lock and Dam, NPDES Permit No. WA0026808
 - Little Goose Lock and Dam, NPDES Permit No. WA0026786
 - Lower Granite Lock and Dam, NPDES Permit No. WA0026794
- October 4, 2018 – EPA first requests preliminary certification for:
 - Grand Coulee Dam, NPDES Permit No. WA0026867
- October 12, 2018 – Ecology requests more time to complete review.
- October 19, 2018 – EPA responds with request for certification by December 18, 2019.
- October 24, 2018 – EPA and Ecology staff meet to discuss request.
- December 7, 2018 – Ecology requests a 45-day extension.
- December 14, 2018 – EPA extends certification deadline to February 1, 2019.
- December 28, 2018 – EPA furloughs staff starting at midnight due to the federal government shutdown.
- January 25, 2019 – Ecology Director Bellon requests an extension to allow Ecology time to complete state public notice processes.
- January 25, 2019 – Regional Administrator Hladick indicates support for time extension.
- January 28, 2019 – EPA staff return to work and grant extension to February 28, 2019.
- January 30, 2019 – Ecology public notices the request for 401 certification for a 20-day comment period ending at midnight on February 19, 2019.
- February 1, 2019 – EPA withdraws request for 401 certification.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

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February 5, 2019

Dan Opalski, Director
Office of Water and Watersheds
U.S.EPA Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Re: Withdrawal of Request for Clean Water Act Section 401 Certification of Draft Permits
for Federal Hydroelectric Generating Facilities on the Columbia and Snake Rivers

Dear Dan Opalski:

This letter is in response to your February 1, 2019 letter withdrawing your request for Washington State Department of Ecology (Ecology) Clean Water Act (CWA) Section 401 certifications for the following draft National Pollutant Discharge Elimination System (NPDES) permits:

- Ice Harbor Lock and Dam, NPDES Permit No. WA0026816
- Lower Monumental Lock and Dam, NPDES Permit No. WA0026808
- Little Goose Lock and Dam, NPDES Permit No. WA0026786
- Lower Granite Lock and Dam, NPDES Permit No. WA0026794
- Bonneville Project, NPDES Permit No. WA0026778
- The Dalles Lock and Dam, NPDES Permit No. WA0026701
- John Day Project, NPDES Permit No. WA0026832
- McNary Lock and Dam, NPDES Permit No. WA0026824
- Grand Coulee Dam, NPDES Permit No. WA0026867

Ecology seeks to understand the reason for U.S. Environmental Protection Agency's (EPA) withdrawal, as federally-issued NPDES permits require Section 401 certification and must meet all federal and state water quality standards. Ecology and EPA have had routine communication on the draft permits as Ecology works towards a decision on EPA's request. Has EPA decided not to issue the above-referenced permits? Your letter references a potential "renewed request for water quality certification." When does EPA anticipate making this renewed request?



Dan Opalski
February 5, 2019
Page 2

This letter is **not** to be considered a decision or waiver of Washington State's 401 certification authority.

As you are aware, Ecology public noticed the request for 401 certification of the nine draft NPDES permits on January 30, 2019 for a 20-day comment period ending at midnight on February 19, 2019. We intend to complete our public notice process.

You requested that Ecology return all materials provided with your certification requests. Please explain why you are requesting a return of these materials. As public stewards, we have a responsibility to maintain copies of the materials you submitted to us for public records purposes. Therefore, we will maintain copies of all materials provided with your certification request.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather R. Bartlett". The signature is fluid and cursive, with the first name "Heather" and last name "Bartlett" clearly distinguishable.

Heather R. Bartlett
Water Quality Program Manager

Enclosures